

Panaji, 23rd June, 1986 (Ashada 2, 1908)

SERIES I No. 12

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

No. 3

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department

Legal Affairs Branch

Notification

LD/2/1/86-L.A.B.

The following Act which was passed by the Legislative Assembly of the Union territory of Goa, Daman and Diu on the 31st day of March, 1986 and assented to by the Administrator of Goa, Daman and Diu on the 31st March, 1986 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 19th June, 1986.

THE GOA, DAMAN AND DIU APPROPRIATION (VOTE ON ACCOUNT) ACT, 1986

(Act No. 2 of 1986)

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services of a part of the Financial Year 1986-87.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Appropriation (Vote on Account) Act, 1986.

2. **Withdrawal of Rs. 84,00,12,000 from and out of the Consolidated fund of the Union territory of Goa, Daman and Diu for the financial year 1986-87.**—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be withdrawn sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate

to the sum of Rupees eighty four crores and twelve thousand towards defraying the several charges which will come in course of payment during the financial year 1986-87.

3. **Appropriation.**—The sum authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See Sections 2 & 3)

| No. of Demand | Services and purposes | Sums not exceeding | | |
|---------------|--|--------------------|---|-------------|
| | | Voted by Assembly | Charged on the Consolidated Fund of the Union Territory of Goa, Daman and Diu | Total |
| 1 | 2 | 3 | 4 | 5 |
| | | Rs. | Rs. | Rs. |
| 1. | Union Territory Legislature and Elections ... | 7,32,000 | 35,000 | 7,67,000 |
| 2. | Miscellaneous General Services ... | 1,05,32,000 | 5,28,000 | 1,10,60,000 |
| 3. | Administration of Justice ... | 16,63,000 | 3,000 | 16,66,000 |
| 4. | Land Revenue, Stamps and Registration ... | 28,92,000 | — | 28,92,000 |
| 5. | State Excise, Sales Tax and Other Taxes and Duties ... | 26,33,000 | — | 26,33,000 |
| 6. | Taxes on Vehicles ... | 5,67,000 | — | 5,67,000 |
| | Appropriation — Interest Payments ... | — | 6,23,98,000 | 6,23,98,000 |
| 7. | Police and Fire Services ... | 1,71,00,000 | — | 1,71,00,000 |
| 8. | Jails ... | 8,00,000 | — | 8,00,000 |
| 9. | Stationery and Printing ... | 23,33,000 | — | 23,33,000 |
| 10. | Other General and Economic Services ... | 30,20,000 | — | 30,20,000 |

| 1 | 2 | 3 | 4 | 5 |
|---|--------------|--------------|--------------|-----|
| | | Rs. | Rs. | Rs. |
| 11. Pension ... | 85,00,000 | --- | 85,00,000 | |
| 12. Public Works, Housing and Urban Development ... | 6,95,15,000 | 27,000 | 6,95,42,000 | |
| 13. Roads and Bridges | 3,76,67,000 | --- | 3,76,67,000 | |
| 14. Education, Art and Culture ... | 10,51,13,000 | --- | 10,51,13,000 | |
| 15. Medical, Family Welfare and Public Health, Sanitation and Water Supply ... | 9,29,72,000 | --- | 9,29,72,000 | |
| 16. Information and Publicity ... | 16,32,000 | --- | 16,32,000 | |
| 17. Labour and Employment ... | 62,00,000 | --- | 62,00,000 | |
| 18. Social Security and Welfare, Relief on account of Natural Calamities and Food ... | 5,28,20,000 | --- | 5,28,20,000 | |
| 19. Cooperation and Community Development ... | 98,00,000 | --- | 98,00,000 | |
| 20. Agriculture and Allied Services ... | 5,68,92,000 | --- | 5,68,92,000 | |
| 21. Irrigation and Power Projects ... | 18,60,84,000 | --- | 18,60,84,000 | |
| 22. Industries ... | 1,24,79,000 | --- | 1,24,79,000 | |
| 23. Road and Water Transport Services (including Ports) ... | 1,60,37,000 | --- | 1,60,37,000 | |
| 24. Tourism ... | 63,32,000 | --- | 63,32,000 | |
| — Appropriation Public Debt ... | | 6,82,99,000 | 6,82,99,000 | |
| 25. Loans and Advances by the Union Territory Government | 44,05,000 | --- | 44,05,000 | |
| Total ... | 70,87,22,000 | 19,12,90,000 | 84,00,12,000 | |
| Revenue ... | 46,46,91,000 | 6,29,91,000 | 52,76,82,000 | |
| Capital (including Loans) ... | 24,40,31,000 | 6,82,99,000 | 31,23,30,000 | |

M. RAGHUCHANDER

Secretary to the Government of
Goa, Daman and Diu,
Law Department (Legal
Affairs Branch)

Secretariat,

Panaji-Goa.

Dated: 31st March, 1986.

Notification

LD/1/86-L.A.B.

The Muslim Women (Protection of Rights on Divorce) Act, 1986 (Act No. 25 of 1986) which was passed by Parliament and assented to by the President of India on the 19th May, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 19-5-1986, is hereby republished for the general information.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 18th June, 1986.

The Muslim Women (Protection of Rights on Divorce) Act, 1986

AN

ACT

to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Muslim Women (Protection of Rights on Divorce) Act, 1986.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “divorced woman” means a Muslim woman who was married according to Muslim law, and has been divorced by, or has obtained divorce from, her husband in accordance with Muslim law;

(b) “iddat period” means, in the case of a divorced woman,—

(i) three menstrual courses after the date of divorce, if she is subject to menstruation;

(ii) three lunar months after her divorce, if she is not subject to menstruation; and

(iii) if she is enceinte at the time of her divorce, the period between the divorce and the delivery of her child or the termination of her pregnancy, whichever is earlier;

(c) “Magistrate” means a Magistrate of the First class exercising jurisdiction under the Code of Criminal Procedure, 1973 in the area where the divorced woman resides;

(d) “prescribed” means prescribed by rules made under this Act.

3. *Mahr or other properties of Muslim woman to be given to her at the time of divorce.*—(1) Notwithstanding anything contained in any other law for the time being in force, a divorced woman shall be entitled to—

(a) a reasonable and fair provision and maintenance to be made and paid to her within the iddat period by her former husband;

(b) where she herself maintains the children born to her before or after her divorce, a reasonable and fair provision and maintenance to be made and paid by her former husband for a period of two years from the respective dates of birth of such children;

(c) an amount equal to the sum of mahr or dower agreed to be paid to her at the time of her marriage or at any time thereafter according to Muslim law; and

(d) all the properties given to her before or at the time of marriage or after her marriage by her relatives or friends or the husband or any relatives of the husband or his friends.

(2) Where a reasonable and fair provision and maintenance or the amount of *mahr* or dower due has not been made or paid or the properties referred to in clause (d) of sub-section (1) have not been delivered to a divorced woman on her divorce, she or any one duly authorised by her may, on her behalf, make an application to a Magistrate for an order for payment of such provision and maintenance, *mahr* or dower or the delivery of properties, as the case may be.

(3) Where an application has been made under sub-section (2) by a divorced woman, the Magistrate may, if he is satisfied that—

(a) her husband having sufficient means, has failed or neglected to make or pay her within the *iddat* period a reasonable and fair provision and maintenance for her and the children; or

(b) the amount equal to the sum of *mahr* or dower has not been paid or that the properties referred to in clause (d) of sub-section (1) have not been delivered to her,

make an order, within one month of the date of the filing of the application, directing her former husband to pay such reasonable and fair provision and maintenance to the divorced woman as he may determine as fit and proper having regard to the needs of the divorced woman, the standard of life enjoyed by her during her marriage and the means of her former husband or, as the case may be, for the payment of such *mahr* or dower or the delivery of such properties referred to in clause (d) of sub-section (1) to the divorced woman:

Provided that if the Magistrate finds it impracticable to dispose of the application within the said period, he may, for reasons to be recorded by him, dispose of the application after the said period.

(4) If any person against whom an order has been made under sub-section (3) fails without sufficient cause to comply with the order, the Magistrate may issue a warrant for levying the amount of maintenance or *mahr* or dower due in the manner provided for levying fines under the Code of Criminal Procedure, 1973, and may sentence such person, for the whole or part of any amount remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one year or until payment if sooner made, subject to such person being heard in defence and the said sentence being imposed according to the provisions of the said Code.

2 of 1974

4. *Order for payment of maintenance.* — (1) Notwithstanding anything contained in the foregoing provisions of this Act or in any other law for the time being in force, where a Magistrate is satisfied that a divorced woman has not re-married and is not able to maintain herself after the *iddat* period, he may make an order directing such of her rela-

tives as would be entitled to inherit her property on her death according to Muslim law to pay such reasonable and fair maintenance to her as he may determine fit and proper, having regard to the needs of the divorced woman, the standard of life enjoyed by her during her marriage and the means of such relatives and such maintenance shall be payable by such relatives in the proportions in which they would inherit her property and at such periods as he may specify in his order:

Provided that where such divorced woman has children, the Magistrate shall order only such children to pay maintenance to her, and in the event of any such children being unable to pay such maintenance, the Magistrate shall order the parents of such divorced woman to pay maintenance to her:

Provided further that if any of the parents is unable to pay his or her share of the maintenance ordered by the Magistrate on the ground of his or her not having the means to pay the same, the Magistrate may, on proof of such inability being furnished to him, order that the share of such relatives in the maintenance ordered by him be paid by such of the other relatives as may appear to the Magistrate to have the means of paying the same in such proportions as the Magistrate may think fit to order.

(2) Where a divorced woman is unable to maintain herself and she has no relatives as mentioned in sub-section (1) or such relatives or any one of them have not enough means to pay the maintenance ordered by the Magistrate or the other relatives have not the means to pay the shares of those relatives whose shares have been ordered by the Magistrate to be paid by such other relatives under the second proviso to sub-section (1), the Magistrate may, by order, direct the State Wakf Board established under section 9 of the Wakf Act, 1954, or under any other law for the time being in force in a State, functioning in the area in which the woman resides, to pay such maintenance as determined by him under sub-section (1), or, as the case may be, to pay the shares of such of the relatives who are unable to pay, at such periods as he may specify in his order.

29 of 1954.

5. *Option to be governed by the provisions of sections 125 to 128 of Act 2 of 1974.* — If, on the date of the first hearing of the application under sub-section (2) of section 3, a divorced woman and her former husband declare, by affidavit or any other declaration in writing in such form as may be prescribed, either jointly or separately, that they would prefer to be governed by the provisions of sections 125 to 128 of the Code of Criminal Procedure, 1973, and file such affidavit or declaration in the court hearing the application, the Magistrate shall dispose of such application accordingly.

2 of 1974.

Explanation. — For the purposes of this section, "date of the first hearing of the application" means

the date fixed in the summons for the attendance of the respondent to the application.

6. *Power to make rules.* — (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, such rules may provide for—

(a) the form of the affidavit or other declaration in writing to be filed under section 5;

(b) the procedure to be followed by the Magistrate in disposing of applications under this Act, including the serving of notices to the parties to such applications, dates of hearing of such applications and other matters;

(c) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a

total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

7. *Transitional provisions.* — Every application by a divorced woman under section 125 or under section 127 of the Code of Criminal Procedure, 1973 pending before a Magistrate on the commencement of this Act, shall, notwithstanding anything contained in that Code and subject to the provisions of section 5 of this Act, be disposed of by such Magistrate in accordance with the provisions of this Act. 2 of 1974.